

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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12 RENEE KELP, individually and
13 as successor-in-interest to
14 DARIN KLEP, DECEDENT; A.K., a
minor by her guardian Ad
Litem, RENEE KLEP,

NO. 2:23-cv-00274 WBS DB

15 Plaintiffs,

16 v.

17 COUNTY OF SISKIYOU; CITY OF
18 MT. SHASTA, a Municipal
entity; CHRIS STOCK, an
19 individual; RICHARD EVANS, an
individual; WALTER MOORE, an
individual; and JUAN
20 CASANOVA, an individual,

Defendants.

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24 STATUS (PRETRIAL SCHEDULING) ORDER

25 After reviewing the parties' Joint Status Report, the
26 court hereby vacates the Status (Pretrial Scheduling) Conference
27 scheduled for **June 5, 2023**, and makes the following findings and
28 orders without needing to consult with the parties any further.

1 I. SERVICE OF PROCESS

2 All defendants have been served, and no further service
3 is permitted without leave of court, good cause having been shown
4 under Federal Rule of Civil Procedure 16(b).

5 II. JOINDER OF PARTIES/AMENDMENTS

6 No further joinder of parties or amendments to
7 pleadings will be permitted except with leave of court, good
8 cause having been shown under Federal Rule of Civil Procedure
9 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
10 (9th Cir. 1992).

11 III. JURISDICTION/VENUE

12 Jurisdiction is predicated upon 28 U.S.C § 1331,
13 because plaintiffs assert a claim arising under 42 U.S.C. § 1983
14 for violations of the Fourth Amendment. Venue is undisputed and
15 hereby found to be proper.

16 IV. DISCOVERY

17 The parties agree to serve the initial disclosures
18 required by Federal Rule of Civil Procedure 26(a)(1) on or before
19 **July 10, 2023**.

20 The parties shall disclose experts and produce reports
21 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
22 later than **May 3, 2024**. With regard to expert testimony intended
23 solely for rebuttal, those experts shall be disclosed and reports
24 produced in accordance with Federal Rule of Civil Procedure
25 26(a)(2) on or before **June 3, 2024**.

26 All discovery, including depositions for preservation
27 of testimony, is left open, save and except that it shall be so
28 conducted as to be completed by **July 3, 2024**. The word

1 "completed" means that all discovery shall have been conducted so
2 that all depositions have been taken and any disputes relevant to
3 discovery shall have been resolved by appropriate order if
4 necessary and, where discovery has been ordered, the order has
5 been obeyed. All motions to compel discovery must be noticed on
6 the magistrate judge's calendar in accordance with the local
7 rules of this court and so that such motions may be heard (and
8 any resulting orders obeyed) not later than **July 3, 2024**.

9 V. MOTION HEARING SCHEDULE

10 All motions, except motions for continuances, temporary
11 restraining orders, or other emergency applications, shall be
12 filed on or before **September 9, 2024**. All motions shall be
13 noticed for the next available hearing date. Counsel are
14 cautioned to refer to the local rules regarding the requirements
15 for noticing and opposing such motions on the court's regularly
16 scheduled law and motion calendar.

17 VI. FINAL PRETRIAL CONFERENCE

18 The Final Pretrial Conference is set for **December 16, 2024**, at 1:30 p.m. in Courtroom No. 5. The conference shall be
19 attended by at least one of the attorneys who will conduct the
20 trial for each of the parties and by any unrepresented parties.

22 Counsel for all parties are to be fully prepared for
23 trial at the time of the Pretrial Conference, with no matters
24 remaining to be accomplished except production of witnesses for
25 oral testimony. Counsel shall file separate pretrial statements,
26 and are referred to Local Rules 281 and 282 relating to the
27 contents of and time for filing those statements. In addition to
28 those subjects listed in Local Rule 281(b), the parties are to

1 provide the court with: (1) a plain, concise statement which
2 identifies every non-discovery motion which has been made to the
3 court, and its resolution; (2) a list of the remaining claims as
4 against each defendant; and (3) the estimated number of trial
5 days.

6 In providing the plain, concise statements of
7 undisputed facts and disputed factual issues contemplated by
8 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
9 that remain at issue, and any remaining affirmatively pled
10 defenses thereto. If the case is to be tried to a jury, the
11 parties shall also prepare a succinct statement of the case,
12 which is appropriate for the court to read to the jury.

13 **VII. TRIAL SETTING**

14 The jury trial is set for **February 25, 2025** at 9:00 a.m.
15 The parties estimate that the trial will last **7 to 8 days** days.

16 **VIII. SETTLEMENT CONFERENCE**

17 A Settlement Conference will be set at the time of the
18 Pretrial Conference. All parties should be prepared to advise
19 the court whether they will stipulate to the trial judge acting
20 as settlement judge and waive disqualification by virtue thereof.

21 Counsel are instructed to have a principal with full
22 settlement authority present at the Settlement Conference or to
23 be fully authorized to settle the matter on any terms. At least
24 seven calendar days before the Settlement Conference counsel for
25 each party shall submit a confidential Settlement Conference
26 Statement for review by the settlement judge. If the settlement
27 judge is not the trial judge, the Settlement Conference
28 Statements shall not be filed and will not otherwise be disclosed

1 to the trial judge.

2 IX. MODIFICATIONS TO SCHEDULING ORDER

3 Any requests to modify the dates or terms of this
4 Scheduling Order, except requests to change the date of the
5 trial, may be heard and decided by the assigned Magistrate Judge.
6 All requests to change the trial date shall be heard and decided
7 only by the undersigned judge.

8 IT IS SO ORDERED.

9 Dated: May 30, 2023



10 WILLIAM B. SHUBB

11 UNITED STATES DISTRICT JUDGE

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